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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/297,532	06/28/1999	PETER W. FAJKOWSKI	18121/100233-07	9903

33222 7590 01/02/2004

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EXAMINER

ST CYR, DANIEL

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/297,532

Applicant(s)

FAJKOWSKI, PETER W.

Examiner

Daniel St.Cyr

Art Unit

2876

AW

-- Th MAILING DATE of this communication appears on the cover sheet with th correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This in response to the amendment filed 2/7/03 in which claims 25 and 42 were canceled.

Claim Objections

2. Claim 47 is objected to because of the following informalities: lines 2-3, "when said storage device" is written twice, one should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 45 and 50-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnsen, US Patent No. 5,250,789.

Johnsen a shopping cart system comprising: an insertion port 18 for receiving a coupon storage device (floppy disk); a data port 34 hooked to a modem for telephonically receiving electronic coupon data (see col. 7, lines 22-32); a microprocessor 38 controlling the receipt and transfer of electronic coupon data; memory 50 serves as a random access memory interacting with said microprocessor 38 (see col. 7, line 61+). (see figure 3 and col. 7, line 22+).

Re claim 50, further comprising a display screen 14 (see figure 1).

Re claim 51, further comprising a bar code reader 22. (See figure 3).

Re claim 52, further comprising keys 16/20 allowing a user to review a list of coupons and select individual coupon from the list. (see col. 5, line 65+ and col. 7, line 42).

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 43, 44, 47-49, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aucsmith, US Patent No. 5,663,553, in view of Johnsen. The teachings of Johnsen have been discussed above.

Aucsmith discloses a mass storage device adapter for smart cards comprising: an adapter body sized to be inserted in a disk drive; an insertion port formed on said body for receiving said storage device; a magnetic reader head on said body for reading recorded data; a memory on said body for receiving contents of said recorded data; and a processor for converting contents of said recorded data into electrical data which is transmitted through said wireless transmitter (see figures 3 and 5; col. 3, line 32 +).

Aucsmith fails to disclose or fairly suggests a wireless transmitter for receiving and communicating electrical data.

See Johnsen above.

In view of Johnsen's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system of Aucsmith to include a wireless transmitter, such as the receiving/transmitting antenna of Johnsen, as an alternating means to communicate data between the portable device and other devices, such as central store computer. Such modification would provide greater convenience by exchanging information with host devices/processing machines without physically connected to the host

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device and greater versatility wherein data could be communicate through physical connection and wireless. Therefore, it would have been an obvious extension as though by Aucsmith.

7. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aucsmith as modified by Johnsen and further in view Adams et al, US Patent No. 4,639,584. The teachings of Aucsmith as modified by Johnsen have been disclosed above.

Aucsmith as modified by Johnsen fails to disclose or fairly suggests that the wireless transmitter includes light emitting diode and light responsive transistor.

Adams et al disclose a non-alterable magnetic coding comprising: a photo-optical sensor 48 for detecting a card 10, wherein the sensor includes an LED transmitter and light responsive transistor (see col. 8, lines 10-18).

In view of the disclosure of Adams et al, it would have been obvious for an artisan at the time the invention was made to modify the system of Aucsmith as modified by Johnsen to include LED means and light responsive transistor to indicate the presence of the storage device in the slot. Such modification would provide more effective means to alert a user when the storage device is present. Furthermore, these components are known in the art for indicating the presence and/or absence of portable storage device into the port of a terminal. Therefore, it would have been an obvious extension as taught by Aucsmith as modified by Johnsen.

8. Claims 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnsen in view of Adams et al, US Patent No. 4,639,584.

Johnsen fails to disclose or fairly suggests that the wireless transmitter includes light emitting diode and light responsive transistor.

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Adams et al disclose a non-alterable magnetic coding comprising: a photo-optical sensor 48 for detecting a card 10, wherein the sensor includes an LED transmitter and light responsive transistor (see col. 8, lines 10-18).

In view of the disclosure of Adams et al, it would have been obvious for an artisan at the time the invention was made to modify the system of Johnsen to include LED means and light responsive transistor to indicate the presence of the storage device in the slot. Such modification would provide more effective means to alert a user when the storage device is present. Furthermore, these components are known in the art for indicating the presence and/or absence of portable storage device into the port of a terminal. Therefore, it would have been an obvious extension as taught by Johnsen.

Additional Remarks

9. Claim 48 was canceled in amendment filed 2/16/01 and now being reintroduced.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mathurin, Jr., US Patent No. 5,473,144, discloses a credit card with finger print.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

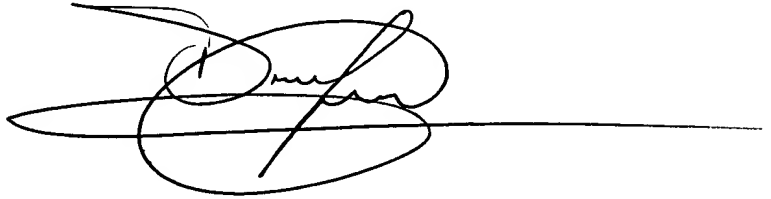
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7721.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr
Primary Examiner
Art Unit 2876

DS
December 29, 2003

A handwritten signature in black ink, appearing to read 'Daniel St. Cyr', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.